

COMMONWEALTH OF KENTUCKY
CITY OF TAYLORSVILLE
SPENCER COUNTY, KENTUCKY

ORDINANCE NO. 295

**AN ORDINANCE AMENDING ORDINANCE #254,
HEREINAFTER REFERRED TO AS THE
NUISANCE ORDINANCE, DECLARING CERTAIN
ACTIVITIES OR CONDITIONS REGARDING REAL
ESTATE WITHIN THE CITY OF TAYLORSVILLE
A PUBLIC NUISANCE.**

WHEREAS, pursuant to the police powers in the City of Taylorsville as granted Cities within the Commonwealth of Kentucky, pursuant to the Kentucky Constitution and pursuant to other laws granted to Cities within the Commonwealth of Kentucky by the Kentucky Legislature including, but not limited to, Section 156b of the Kentucky Constitution, KRS 82.082 referred to as the "Home Rule" and KRS 381.770, referred to as the public nuisance statutes and, to promote the public health safety and general welfare of the residents of the City of Taylorsville,

THEREFORE, BE IT ORDAINED by the City of Taylorsville as follows:

GENERAL PROVISIONS

A. Common Law and Statutory Nuisances

In addition to what is declared in this chapter to be a public nuisance, those offenses which are known to the common law and statutes of Kentucky as public nuisances may be treated as such and be proceeded against as provided in this chapter or in accordance with any other provision of law.

B. Certain Conditions declared a nuisance

It shall be unlawful for the owner, occupant, or person having control or management of any land within the city to permit a public nuisance to develop thereon.

The following conditions are declared to be public nuisances:

(1) Dangerous trees or stacks adjoining street. Any tree, stack, or other object standing in such a condition that it will, if the condition is allowed to continue, endanger the life, limb, or property of, or cause hurt, damage, or injury to persons or property upon the public streets or public ways adjacent thereto, by the falling thereof or of parts thereof.

(2) Accumulation of rubbish. An accumulation on any premises of filth, refuse, trash, garbage, rubbish, the excessive growth of weeds or grass or other waste material which endangers the public health, welfare, or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger that it will catch or communicate fire, attract and propagate vermin, rodents, or insects, or blow rubbish into any street, sidewalk, or property of another.

(3) Storage of explosives. The storage of explosive material which creates a safety hazard to other property or persons in the vicinity.

(4) Open Wells. The maintenance of any open, uncovered, or insecurely covered cistern, cellar, well, pit, excavation, or vault situated upon private premises in any open or unfenced lot or place.

(5) Trees and shrubbery obstructing streets, sidewalks, and drainage. The growing and maintenance of trees or shrubbery which in any way interferes with the

use, construction, or maintenance of streets or sidewalks, causes injury to streets or sidewalks, or constitutes an obstruction to drainage.

(6) Livestock, including but not limited to: sheep, cattle, horses, pigs, hogs, goats, jack, jenny, donkeys, burrows, mules, poultry or other animals or birds commonly kept on a farm or any non-domestic animal.

C. Abatement procedure

(1) Whenever a nuisance situation is discovered, the authorized city official shall give five days' written notice to remedy the nuisance situation. The notice shall be mailed to the last known address of the owner of property, as it appears on the current tax assessment roll. Upon the failure of the owner of the property to comply, the authorized city official is authorized to send employees upon the property to remedy the situation.

(2) The city shall have a lien against the property for the reasonable value of labor and materials used in remedying the nuisance situation. The affidavit of the authorized city official shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to KRS 381.770 and this section, and shall be recorded in the office of the County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest at 6% per annum thereafter until paid. The lien created shall take precedence over all other subsequent liens, except state, county, school board and city taxes, and may be enforced by judicial proceeding. In addition to this remedy or any other remedy authorized by law, the owner of a property upon which a lien has been attached pursuant to this section shall be personally liable for the amount of the lien, including all interest, civil penalties, and other charges and the city

may bring a civil action against the owner and shall have the same remedies as provided for the recovery of a debt owed.

(3) In addition to the above, any person or legal entity who violates any portion of this ordinance may also be fined not less than \$10.00 and not more than \$500.00 for each violation, each day the violation(s) continues shall constitute a separate violation. Together with any and all court costs, and/or legal costs the City may incur in the enforcement of this ordinance, with any and all such fines or forfeitures to accrue to the benefit of the City of Taylorsville and payable to the City Treasurer, to be deposited into the City General Fund.

D. Nuisance created by others

For the purposes of this chapter, it shall not be essential that the nuisance be created or contributed to by the owner, occupant, or person having control or management of the premises, but merely that the nuisance be created or contributed to by licensees, invitees, guests, or other persons for whose conduct the owner or operator is responsible, or by persons for whose conduct the owner or operator is not responsible, but by the exercise of reasonable care ought to have become aware of.

E. Suspension of license

(1) Whenever it is brought to the attention of the City Commission, that a nuisance exists and the City Commission deems that there is an immediate threat to the public health, safety, or welfare, the City Commission may by majority vote suspend the license of any person conducting business upon the premises where the nuisance exists.

(2) The City Clerk shall cause notice of the suspension to be served

personally upon the licensee or at the premises where the nuisance exists.

(3) Upon application of the licensee, the City Commission may remove the suspension upon such terms as it may direct.

Any Ordinance inconsistent herewith is hereby repealed; if only a portion of such ordinance is inconsistent, then only that portion is repealed.

This Ordinance shall take effect from and after it's passage and publication.

Enacted this the 21 day of NOVEMBER, 2007, by the City of Taylorsville.

CITY OF TAYLORSVILLE, KENTUCKY



DON PAY, Mayor

ATTESTED BY:



STEPHEN A. BIVEN, City Clerk

Date of First Reading
Date of Second Reading
Date Published

November 15, 2007
November 21, 2007
DECEMBER 19 2007